

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Christopher E. Pearce
Serial No.: 09/867,918
Filing Date: May 29, 2001
Art Unit: 2643
Confirmation No.: 7544
Title: DATA DRIVEN CONFIGURATION OF CALL
MANAGEMENT APPLICATIONS

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FEB 24 2004

Technology Center 2600

Office of Petitions
Mail Stop Petitions
Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

**NON-FEE PETITION UNDER 37 C.F.R. § 1.181 TO WITHDRAW
HOLDING OF ABANDONMENT AND
RE-MAIL NOTICE TO FILE MISSING PARTS**

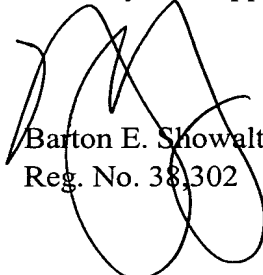
This petition is filed in response to notification by the U.S. Patent and Trademark Office that the above-referenced patent application has been abandoned for failure to file a timely and proper reply to the Notice To File Missing Parts mailed July 30, 2001 which set a three month period for reply. This Petition under 37 C.F.R. § 1.181 is to request that the holding of abandonment be withdrawn. As indicated in the attached statement of facts, Applicant never received the Notice to File Missing Parts, and therefore, did not respond by the due date of September 30, 2001. Accordingly, the holding of abandonment is improper pursuant to M.P.E.P. § 711.03(c)II. The required showing to establish nonreceipt pursuant to M.P.E.P. § 711.03(c)II is provided in the following documents:

1. Counsel's Statement of Facts in Support of Petition to Withdraw Holding of Abandonment.
2. Copy of Notice of Abandonment mailed on February 2, 2004.

3. Copy of the File History Summary for Serial No. 09/867,918.
4. Copy of the docket record where the nonreceived Notice to File Missing Parts would have been entered had it been received and docketed.
5. Copy of the Status Reply Letter dated June 16, 2003.

As the abandonment of this case was through no fault of Applicant, it is respectfully requested that a new Notice to File Missing Parts be mailed and the date for response to be two months from the mail date of the new Notice to File Missing Parts, pursuant to M.P.E.P. § 711.03(c)II. It is not believed that any fees are due. However, if it is determined that a petition fee or any additional fees are due, please charge these fees to Baker Botts L.L.P. Deposit Account No. 02-0384.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicant


Barton E. Showalter
Reg. No. 38,302

Date: _____

Feb. 18, 2004

CORRESPONDENCE ADDRESS:
CUSTOMER NO. 05073

2001 Ross Avenue, Suite 600
Dallas, Texas 75201
214.953.6509



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Serial No.: 09/867,918
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Dear Sir:

**COUNSEL'S STATEMENT OF FACTS IN SUPPORT OF PETITION
TO WITHDRAW HOLDING OF ABANDONMENT**

I am a patent attorney employed with Baker Botts L.L.P. I am listed as an attorney of record for the above-identified pending U.S. patent application entitled *Data Driven Configuration of Call Management Applications* filed on May 29, 2001, Application No. 09/867,918. My residence is Dallas, Texas, and my place of employment is Dallas, Texas, and were so at all times relevant to the Statement of Facts. The following facts relate to the subject application.

1. All mail from the PTO is received in a Baker Botts mailroom and routed to the IP mail clerk. She opens and date-stamps all mail, and forwards notices to file missing parts received from the PTO to the legal assistant assigned to the case. She does not record a log of such received mail and therefore no such log is provided pursuant to MPEP § 711.03(c)II.

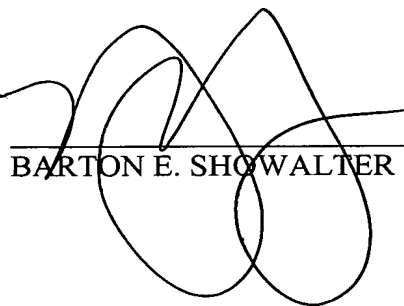
2. It is then the responsibility of the legal assistant to docket notices to file missing parts received from the PTO. When a Notice to File Missing Parts is received, the response due date is docketed along with any other papers due. The file is then routed to the responsible attorney for a response.

3. According to the file history summary (Tab 3) for this application, the Notice to File Missing Parts was not been docketed and there was no due date for a response. Since the application was filed with an executed declaration/power of attorney, a Notice to File Missing Parts was not expected from the Patent Office. Also attached is a copy of the docket record where the nonreceived Notice to File Missing Parts would have been entered had it been received and docketed (Tab 4). These documents indicate that the Notice to File Missing Parts was not received from the PTO.

4. A Request for Status was filed on May 14, 2003. The Status Reply Letter dated June 16, 2003 (Tab 5) indicated that the application would be first examined in 4 to 7 months from the date of the letter. Since an office action was expected, there was no indication that this application would be going abandoned.

5. As an attorney of record for the above-identified pending U.S. patent application, I attest that the Notice to File Missing Parts was not received from the PTO. Further, I attest that I have performed a search of the file jacket and all of its contents. The results of the search revealed that the Notice to File Missing Parts was not in the file jacket. This further indicates that the Notice to File Missing Parts was not received from the PTO.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application for any patent issuing thereon.


BARTON E. SHOWALTER

Date: Feb 18, 200⁴
Baker Botts L.L.P.
2001 Ross Avenue
Dallas, Texas 75201-2980
(214) 953-6509



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/867,918	05/29/2001	Christopher E. Pearce	062891.0608

Baker Botts L.L.P.
 2001 Ross Avenue, Suite 600
 Dallas, TX 75201-2980

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CONFIRMATION NO. 7544

ABANDONMENT/TERMINATION
LETTER

OC000000011809530

Date Mailed: 02/02/2004

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 07/30/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

3

Country Application

30-Jun-03

File Number: 062891.0608

Country: US

SubCase:

United States of America

Case Type: ORD Ordinary Filing

Application Status: Pending

Application Number: 09/867918

Filing Date: 29-May-2001

Patent Number:

Issue Date:

Publication Number:

Publication Date:

Priority Number:

Priority Date:

Tax Schedule: LE

Expiration Date:

Annuity Client: ☒

Tax Start Date:

Client Reference: EVBU 2690

Claims: 20

Agent:

Agent Reference Number:

List Of User Actions

Action(s) Du	Due Date		Action Taken
Assignment Filed	29-May-2001	Due Date	29-May-2001
Assignment Recorded A	29-May-2001	Due Date	29-May-2001
Application Mailed	02-Jul-2001	Due Date	29-May-2001
Filing Receipt Received	01-Aug-2001	Due Date	01-Aug-2001
Confirmation No. 7544			
Assignment Filed Follow Up	29-Nov-2001	Due Date	28-Sep-2001
Decision/No Foreign Filing	07-Dec-2001	Due Date	07-Dec-2001
Received instruction from Robert Barr, client does not wish to pursue foreign filing.			
IDS Not Applicable	07-Feb-2002	Due Date	07-Feb-2002
Request for Status Filed	13-May-2003	Due Date	13-May-2003
Request for Status Due	29-May-2003	Due Date	13-May-2003
Follow Up Request for Status	13-Oct-2003	Due Date	16-Jun-2003
Request for Status Due	01-Feb-2004	Due Date	
Expected date of first OA is 1/2004.			

Remarks:

User ID: KLangfor

Date Created: 03-Apr-2001

Last Update: 12-Jun-2001

September U.S. Docket Report (Dallas Office)

Status/
Client Name

Title

Application No./
Filing DateFile Number/
Country NameAction Type/
Action Due

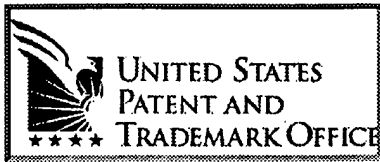
Due Date Indicator

Responsible Person: KMP

09/28/2001	Final	U.S. Filing Due	068061.0119	US		
		U.S. Filing Due				
		Remarks:				
09/28/2001	Final	Foreign Filing - Atty.	068061.0103	US		
		Foreign Filing Final - Atty.				
		Remarks:				
09/28/2001	Final	U.S. Filing Due	068061.0103	US		
		U.S. Filing Due				
		Remarks:				
09/28/2001	Final	U.S. Filing Due	068061.0120	US		
		U.S. Filing Due				
		Remarks:				
09/28/2001	Final	Foreign Filing - Atty.	068061.0120	US		
		Foreign Filing Final - Atty.				
		Remarks:				
09/28/2001	Final	Foreign Filing - Atty.	068061.0105	US		
		Foreign Filing Final - Atty.				
		Remarks:				
09/28/2001	Final	U.S. Filing Due	068061.0105	US		
		U.S. Filing Due				
		Remarks:				
09/28/2001	Due Date	US-Final Office Action	019143.0284	US		
		Formal Drawings Due				
		Remarks:				
09/28/2001	Due Date	US-Final Office Action	019143.0284	US		
		3 Month Notice of Appeal				
		Remarks:				
10/01/2001	Reminder	US-3 Month Office Action	064731.0211	US		
		2nd Extension				
		Remarks:				

4

062891.0608



United States Patent And Trademark Office

Commissioner For Patents
United States Patent And Trademark Office
Washington, D.C. 20231
www.uspto.gov

Date: 6/16/03

Baker Botts L.L.P.
2001 Ross Avenue, Suite 600
Dallas TX 75201-2980

To: Applicant of Serial Number 09867918

We project that this application will be first examined in 4 to 7 months from today.

Customer Service Office in Technology Center:

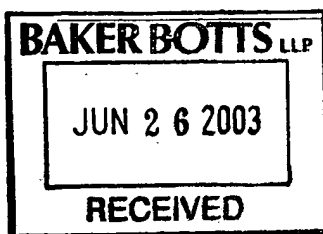
Phone Number: 703-306-0377

FAX Number: 703-872-9314

Applicant/Attorney Contact Information:

Telephone: No Telephone #

Fax: No Fax #



Docket ☒ Wrapper ☒
RVF Docketed _____
Reference(s) _____

ATTORNEY DOCKET NO.
062891.0608

02-20-04

PATENT APPLICATION 02/01/04

9200

#4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Christopher E. Pearce

Serial No.:

09/867,918

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May 29, 2001

Art Unit:

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Office of Petitions

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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Technology Center 2600

Dear Sir:

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that the attached Non-Fee Petition Under 37 C.F.R. § 1.181 To Withdraw Holding Of Abandonment And Re-Mail Notice To File Missing Parts and an acknowledgment postcard are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on this 18th day of February, 2004 and is addressed to Commissioner for Patents, Alexandria, VA 22313-1450.

Willie Ties

Express Mail Receipt

No. EV 324648186 US

Attorney Docket No. 062891.0608